IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2254 of 2007()

CP.14/2007 of J.M.F.C.,MATTANNUR

.....

(CRIME NO. 67/2005 OF ULIKKAL POLICE STATION)

.....

PETITIONER/ACCUSED(A3):

SUNIL JOSE,S/O.JOSE,AGED 31 YEARS,
KOTTARAMKUNNEL HOUSE,PADIYOOR AMSOM,
PATHINARAMPANTHAL,P.O KALLUVAYAL,TALIPARAMBA TALUK
KANNUR DISTRICT.

BY ADV. SRI.P.P.RAMACHANDRAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA (S.H.O ULIKKAL POLICE
STATION),REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2254/2007

Dated this 13th day of April, 2007

O R D E R

The petitioner who is the third accused in Crime No.67/2005 of Ulikkal Police station for an offence punishable under Section 8(2) of the Abkari Act for allegedly transporting 450 litres of Karnataka arrack in 4500 packets on 1.7.2005, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P.14/2007 on the file of the J.F.C.M, Mattannur, non bailable warrants of arrest are pending against the petitioner. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail.

3. Accordingly, if the petitioner surrenders before the Committal Court and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed,

after examining the explanation offered by the petitioner for his previous non appearance and also bearing in mind the decision reported in **Sukumari v. State of Kerala (2001 (1) KLT 22).**

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs